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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,556	04/26/2000	Arturo A Rodriguez	A-5703	9533

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/30/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/558,556

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

Claim Objections

Claim 24 objected to because of the following informalities: Claim 24, is dependent on canceled claim 3. Appropriate correction is required. For examination purposes, the examiner will consider claim 24 as a dependant of claim 21.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-22 and 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,900,916 to Pauley.

Regarding claims 21-22 and 41-42, Pauley discloses in figure 1, a multi-image display system 10, with tuners 26, 28, DVD input 32, VCR input 30, and receiver 52, and monitor 12, a first program is displayed in main picture 14, and a

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second on PIP 16, upon user input, such as a channel up request, the pip channel becomes displayed in main picture 14, and a new channel appears in pip 16 (column 2, line 65-column 3, line 44, column 5, line 62-column 6, line 36).

Claims 39-40 and 59-60 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,115,080 to Reitmeier.

Regarding claims 39-40 and 59-60, Reitmeier discloses a receiver in figure one with tuners 10a/b which receive MPEG like streams, these streams are decoded and updateable I-frames are displayed in rows and columns to enable a user to select a program to view, the currently highlighted program may be motion video (column 3, line 41-64, column 4, lines 8-15, Figures 1, 6 a/b, column 16, line 14-column 17, line 27)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-25, 27-38, 43-45, 47-55, 57 and 58 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,900,916 to Pauley in view of U.S. Patent 6,590,618 to Park and U.S. Patent 6,243,145 to Schlarb

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Regarding claims 23-25 and 43-45, Pauley discloses a dual tuner device which displays video in two separate areas. Pauley does not disclose receiving program guide data, and displaying information related to the first/second program in the first/second program display areas. Schlarb discloses in Figure 3, a video window 305 with program information 310 displayed below, including channel number in area 315; program guide information is downloaded to memory 250 within terminal 120 from headend 105 (column 3, lines 12-15). Park discloses in Figure 3A, a video window 2, and 4 in which channel number identification are shown for each tuned program. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Pauley to receive program information to display in a video as taught by Schlarb and to display identification information as taught by Park in order to enable a user who is watching to programs simultaneously to easily identify the channel of the program they are watching.

Regarding claims 27, 35, 47, 49, and 57, Schlarb discloses in Figure 3, a video window 305 with program information 310 displayed below, including channel number in area 315; program guide information is downloaded to memory 250 within terminal 120 from headend 105 (column 3, lines 12-15).

Regarding claims 28-29, 31, 36, 37, 53, and 58, Park discloses in Figure 3A, a video window 2, and 4 in which channel number identification are shown for each tuned program, each window is the same size and the windows are displayed horizontally. Park inherently scales down the resolution of the first and

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second programs prior to displaying them otherwise; it would be impossible to display both programs within the smaller windows as shown in Figure 3a.

Regarding claims 30 and 38, Pauley discloses that a channel up/down request will cause the programs to be displayed (column 5, line 62-column 6, line 36).

Regarding claims 32-34, and 48, Pauley discloses in figure 1, a multi-image display system 10, with tuners 26, 28, DVD input 32, VCR input 30, and receiver 52, and monitor 12, a first program is displayed in main picture 14, and a second on PIP 16, upon user input, such as a channel up request, the pip channel becomes displayed in main picture 14, and a new channel appears in pip 16 (column 2, line 65-column 3, line 44, column 5, line 62-column 6, line 36). Pauley does not disclose receiving program guide data, and displaying information related to the first/second program in the first/second program display areas. Schlarb discloses in Figure 3, a video window 305 with program information 310 displayed below, including channel number in area 315; program guide information is downloaded to memory 250 within terminal 120 from headend 105 (column 3, lines 12-15). Park discloses in Figure 3A, a video window 2, and 4 in which channel number identification are shown for each tuned program. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Pauley to receive program information to display in a video as taught by Schlarb and to display identification information as taught by Park in order to enable a user who is watching to programs simultaneously to easily identify the channel of the program they are watching.

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Regarding claims 51-52, Pauley discloses in figure 1, a multi-image display system 10, with tuners 26, 28, DVD input 32, VCR input 30, and receiver 52, and monitor 12, a first program is displayed in main picture 14, and a second on PIP 16, upon user input, such as a channel up request, the pip channel becomes displayed in main picture 14, and a new channel appears in pip 16 (column 2, line 65-column 3, line 44, column 5, line 62-column 6, line 36). Pauley inherently displays the incoming video received from the inputs and tuners at their respective frame rates, as Pauley makes no disclosure of changing the frame rates.

Regarding claims 50, 54 and 55, Pauley discloses in figure 1, a multi-image display system 10, with tuners 26, 28, DVD input 32, VCR input 30, and receiver 52, and monitor 12, a first program is displayed in main picture 14, and a second on PIP 16, upon user input, such as a channel up request, the pip channel becomes displayed in main picture 14, and a new channel appears in pip 16 (column 2, line 65-column 3, line 44, column 5, line 62-column 6, line 36). Pauley does not disclose receiving program guide data, and displaying information related to the first/second program in the first/second program display areas and a third tuner to receive EPG info. Schlarb discloses in Figure 3, a video window 305 with program information 310 displayed below, including channel number in area 315; program guide information is downloaded to memory 250 within terminal 120 from headend 105 (column 3, lines 12-15). The examiner takes official notice that the use of a tuner to receive EPG information is well known in the art Park discloses in Figure 3A, a video window 2, and 4 in

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which channel number identification are shown for each tuned program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Pauley to receive program information to display in a video as taught by Schlarb and to display identification information as taught by Park and to utilize a tuner to receive EPG information in order to enable a user who is watching to programs simultaneously to easily identify the channel of the program they are watching from received EPG information.

Claims 26, 46 and 56 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,900,916 to Pauley in view of U.S. Patent 6,590,618 to Park and U.S. Patent 6,243,145 to Schlarb in further view of U.S. Patent, 4,809,069 to Meyer.

Regarding claims 26, 46 and 56, Pauley discloses a multiple image display system 10, which swaps video inputs. Pauley, Park and Schlarb do not disclose displaying a video program displayed in the background of a first and second video program. Meyer discloses in Figure 11, a system in which multiple PIP windows are generated and displayed over background video (column 7, line 19-59).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent 6,394,869 B1 to Sciammarella: Channel Scan Function and Method of Displaying Scanned Channels.

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U.S. Patent 6,493,038 to Singh: Multi-Window PIP Television with the Ability to Watch Two sources of Video While Scanning an Electronic Program Guide.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax

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phone number for the organization where this application or proceeding is assigned is 703-308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

HBL


VICTOR R. KOSTAK
PRIMARY EXAMINER